

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 830

IN THE MATTER OF:

Served June 21, 1968

Establishment of Bus Routes )  
for WMA Transit Company in )  
Washington, D. C. )

Rt. Auth. No. 4-65

On October 25, 1965, the Commission issued Route Authorization 4-65 to the WMA Transit Company, authorizing it to establish a "cut-back route and an express route for its D and W Lines." The application requesting the authority stated that the express service would be operated to its existing terminal at 11th Street and Pennsylvania Avenue, N. W., in the District of Columbia, and that the "[f]irst and only discharge stop" would be at that location. It also stated that no other carrier would be affected by the application. D. C. Transit System, Inc., has filed an application for reconsideration of the route authorization, claiming that it had no notice of the issuance thereof until April 22, 1968, that a bus stop may be established sometime in the future at the intersection of 12th and C Streets, N. W., in the District of Columbia, and that this "possible future stop" could provide either token or substantial competition to existing D. C. Transit Service.

Under Commission regulations in effect at the time of the issuance of the route authorization, notice of the filing of applications for route authorizations on other parties was not required if the application stated that no other carrier would be affected by the grant thereof and if this fact were not challenged by the staff of the Commission. This procedure<sup>1</sup> placed a burden on any other interested party to review the files of the agency in order to determine adjustments in routes authorized by a carrier's certificate of public convenience and

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Subsequently, however, this procedure was modified so that copies of all applications for route authorizations are served on all regular route carriers.

necessity. This procedure applied to D. C. Transit as well as any other carrier. Moreover, as pointed out by WMA in its opposition to the application for reconsideration, the service complained of has been in operation for over two and one-half years. During this period of time, D. C. Transit has operated eight different lines over the route. It is difficult to perceive that it would have no actual knowledge of the WMA operation. Hence, not having been filed within the 30 day period prescribed by Section 16 of the Compact, D. C. Transit's application is untimely filed.

The route authorization granted to WMA, as restricted, cannot have the alleged effect upon D. C. Transit, for the reason that no passengers may be discharged in the District of Columbia except at a previously authorized terminal. The mere fact that this service travels over streets used by D. C. Transit in the performance of its intra-District of Columbia operations does not constitute service over D. C. Transit's routes. These passengers are merely being expressed from their place of origin in the most direct manner, over a newly established freeway, to a destination authorized to be served by WMA for many years before the creation of this agency. Transit's fears about the establishment of a new bus stop in the District of Columbia are groundless because of the restricted discharge point in the route authorization. In fact, WMA requested the establishment of a "discharge only" bus stop on 12th Street, N. W., on December 19, 1967. This request was denied by the Commission because of the restriction in Route Authorization 4-65. Even if the application had been timely filed, it is completely without merit and would have to be denied.

THEREFORE, IT IS ORDERED that the application of D. C. Transit System, Inc., for reconsideration of Route Authorization 4-65 issued October 25, 1965, be, and it is hereby, dismissed as untimely filed.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS  
Executive Director